

### REMARKS

Claims 1, 3-18, and 20-34 are pending in the present application. In the above amendments, claim 29 has been amended.

Claims 1, 3-18, and 20-34 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

The Examiner asserts, among other things, that “as shown in FIG. 4, there is no modulator used to modulate a pilot channel encoded data with a first code to produce a first stream of modulated symbols since the pilot signal is directly input to the  $A_0$  gain adjuster 152 and is an uncoded signal. Further, the specification fails to explain that the combiner 160 is used to reduce a peak-to-average ratio of the transmission as now claimed.” Applicant respectfully submits that “FIG. 4 is a block diagram of modulator 104 of FIG. 2 configured in accordance with the exemplary embodiment of the invention.” (Emphasis added.) More specifically, applicant recites that “various embodiments to these embodiments will be readily apparent to those skilled in the art.” Referring to FIG. 4, a plurality of mixers 150a-150d are illustrated to modulate data with a code word. As such, applicant respectfully submits that it would be readily apparent to those skilled in the art to modulate “pilot data” with a code word. Moreover, applicant respectfully submits that it would be readily apparent to those skilled in the art that the claimed “complex multiplier, communicatively coupled to said combiner, configured to complex multiply said combined stream with a complex pseudonoise code [would] reduce a peak-to-average ratio of the transmission” based on the description and drawings of the invention.

Regarding claims 1, 3-17, 20, 23, and 34, applicant respectfully submits that it would be readily apparent to those skilled in the art to derive at the claimed subject matter based on the description and drawings of the invention.

Claims 29 and 30 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant has amended the claims to overcome this rejection.

Applicant believes these changes add no new matter to the application and are fully supported by the original disclosure.

Applicants request a three month extension of time to file the response to the office action issued September 19, 2008, extending the time to respond to March 19, 2009. Applicant

also filed simultaneous with this response a Request for Continued Examination. The Commissioner is hereby authorized to charge any fees associated with this filing to Deposit Account No. 17-0026.

**REQUEST FOR ALLOWANCE**

In view of the foregoing, applicant respectfully submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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